

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DALE EMERY,

Plaintiff,

v.

BIOPORT CORPORATION,

Defendant.

No. 06-CV-0008-AAM

**ORDER RE JOINT MOTION
FOR ENTRY OF
PROTECTIVE ORDER**

BEFORE THE COURT is the parties' "Joint Motion For Entry Of Protective Order" (Ct. Rec. 38).

The court has developed concerns about entering protective orders that may result in the sealing of materials which do not justify that protection. Counsel represent that jurisdictional discovery materials contain confidential and proprietary information of BioPort Corporation and Hollister-Stier Laboratories, LLC. Accepting that representation as true, to the extent either party concludes it is necessary to provide the court copies of any jurisdictional discovery materials to be considered in connection with the supplemental briefs that are to be filed pursuant to the terms of the court's May 30, 2006 order, such documents will be filed separately under seal with a courtesy copy sent to chambers. Otherwise, the court will not consider itself a party

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1 to the Confidentiality Agreement negotiated by the parties.¹

2 To the extent set forth above, the parties' "Joint Motion For Entry of Protective
3 Order" (Ct. Rec. 38) is **GRANTED**.

4 **IT IS SO ORDERED.** The District Executive is directed to forward copies of
5 this Order to counsel for the parties.

6 DATED this 8th day of September 2006.

7
8 s/ Alan A. McDonald
9 ALAN A. McDONALD
10 SENIOR UNITED STATES DISTRICT JUDGE
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27 ¹ Fed. R. Civ. P. 26(c) provides for entry of a protective order in
28 circumstances where the parties dispute that certain material is confidential, or if
they agree it is confidential, cannot agree how it should be used in the litigation.